

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

)	
)	No. 57547-3-I
STATE OF WASHINGTON ex rel.)	
ROYANNE M. SCHMITZ,)	
)	DIVISION ONE
Respondent,)	
)	UNPUBLISHED OPINION
)	
v.)	
)	
)	
ROGER WILLIAM KNIGHT,)	FILED: July 31, 2006
)	
Appellant.)	
_____)	

PER CURIAM — The Washington statute governing failure to comply with child support orders does not establish peonage or involuntary servitude. Roger Knight voluntarily signed an agreed contempt order requiring him to either work or show proof that he was seeking work, and the family court commissioner did not err in denying Knight's motion for reconsideration based on the argument that the order violated the federal anti-peonage act. We affirm.

FACTS

Roger Knight has repeatedly filed legal actions in Washington and federal courts seeking to avoid payment of court-ordered child support. On November 10, 2005, Knight signed an agreed contempt order based on his failure to

comply with a child support order. The contempt order provided that Knight would be confined in the county jail if he did not purge the contempt by the next hearing, scheduled for January 18, 2006, by working at least 30 hours per week or making three job contacts per week and beginning to pay past due child support of over \$87,000. Knight moved to modify this order on the basis that the federal anti-peonage act, 42 U.S.C.A. § 1994, rendered it null and void. The family court commissioner denied Knight's motion, finding that there was no basis in law for reconsideration. Knight appeals.¹

DISCUSSION

Knight has already repeatedly raised this exact issue in state and federal courts. He has never prevailed. The Ninth Circuit Court of Appeals has held in at least two unpublished opinions that the Washington statute does not violate the anti-peonage act. Judge Robert Lasnik of the United States District Court for the Western District of Washington has ordered that, as the result of his vexatious and frivolous litigation, Knight may not file any pro se complaint or petition in that court in any case where he is a named plaintiff or purports to act as party representative without prior review by the court.

Contempt proceedings are a valid exercise of the State's power to compel a parent to meet his obligation to provide for his children.² RCW 26.18.050(4)

¹ Knight filed a motion for leave to supplement briefs wherein he discussed a recent United States Supreme Court opinion. We deny the motion, but will treat the motion as a citation to supplemental authority and have considered the case as part of the appeal.

² Hicks v. Feiock, 485 U.S. 624, 638, 108 S. Ct. 1423, 99 L. Ed. 2d 271 (1988).

does not require an individual to work, but to “establish that he or she exercised due diligence in seeking employment, in conserving assets, or otherwise in rendering himself or herself able to comply with the court’s order.” This requirement does not constitute peonage.

[E]nforcement of equitable orders through the use of contempt is permitted because a contempt order is an attempt by the court to compel the defendant to comply with the court’s prior, lawful, equitable order. It is not [an action on] a debt, but rather . . . for refusing to comply with the court’s equitable order to do or not do something.^[3]

The family court commissioner did not err in denying Knight’s wholly frivolous motion.

AFFIRMED.

FOR THE COURT:

Baker, J.

Dwyer, J.

Becker, J.

³ State ex rel. Daly v. Snyder, 117 Wn. App. 602, 610, 72 P.3d 780 (2003), rev. denied, 151 Wn.2d 1005 (2004).